

# Using Clinical Education to Address an Unmet Legal Need: A Hong Kong Perspective

Michael Ramsden and Luke Marsh

## I. Introduction

It is axiomatic that a legal system is only as good as the people that comprise it. The quality of the service that graduates provide to society and to the administration of justice is to a significant degree the product of their legal education and training. Certainly since the handover in 1997, at which point Hong Kong became a Special Administrative Region directly under the authority of China's Central People's Government, there was a perception in parts of Hong Kong's legal and broader community that standards have been declining for some time. The territory's newest law faculty at the Chinese University of Hong Kong was created in 2005 following a major report into the perceived deficiencies in legal education. The Redmond-Roper Report, *Legal Education and Training in Hong Kong*, published in 2001, provided a blueprint for change. This article will outline the steps taken by a small cohort of faculty members at the Chinese University of Hong Kong to meet the demands of Redmond-Roper, in particular the report's insight into the role experiential learning through clinical legal education can play in improving the quality of legal education. We will also explore an important social derivative, namely, the capacity of clinical legal education to place students in the community to address unmet legal needs. We conclude with a simple message: by nurturing clinical legal education in Hong Kong, the Redmond-Roper Report's goals of integrating theory with practice, contributing towards a broader liberal education and promoting professional and ethical responsibility are well within reach.

## II. Legal Education in Hong Kong

The model of legal education in Hong Kong broadly tracks that in the United Kingdom. First, students read for the undergraduate Bachelors of

**Michael Ramsden** is an Associate Professor in the Faculty of Law, Chinese University of Hong Kong, and Senior Visiting Scholar, University of California, Berkeley School of Law (2013).

**Luke Marsh** is an Assistant Professor in the Faculty of Law, Chinese University of Hong Kong, and Visiting Fellow, Refugee Studies Centre, Oxford University (2012).

Laws (LL.B.) or Juris Doctor (J.D.) degrees, from one of the three Hong Kong law schools or an approved university overseas. Second, students move onto a vocational stage, called the Postgraduate Certificate in Laws (PCLL), which aims to equip students with professional and vocational legal skills. Third, those wishing to practice as a barrister then must complete a period of pupillage, or a training contract for solicitors. The separation between the academic and vocational stages was premised on ensuring that students had a solid grasp of legal principles before they put them into practice within the confines of the vocational course. It also served to maintain academic freedom, whereby universities could decide on the academic content of their law degrees, while leaving the vocational stage to be designed by the legal profession.<sup>1</sup>

By the late 1990s widespread concern had surfaced,<sup>2</sup> shared by the then chief justice, that the quality of new entrants to the profession was inadequate.<sup>3</sup> It was not until the turn of the millennium, on the recommendation of the Advisory Committee on Legal Education, that the government made efforts to bring about improvements. It established an ad hoc Advisory Steering Committee on the Review of Legal Education and Training in Hong Kong<sup>4</sup> to oversee a comprehensive and independent review of legal education and training in the territory. The steering committee agreed to carry out the review in two stages: a consultancy stage followed by a further study by a review panel.<sup>5</sup>

The consultancy comprised of two independent overseas educational specialists: Paul Redmond, dean of the Faculty of Law at The University of New South Wales, Australia, and Christopher Roper, director of the Centre for Legal Education, Australia.<sup>6</sup> Redmond and Roper spent nearly two years

1. Sir R. Ormrod, Report of the Committee on Legal Education. Cmdn 4595 (Her Majesty's Stationery Office 1971).
2. For a more in-depth account of the concerns that arose, see Luke Marsh, Michael Ramsden & Chris Young, *Legal Education in Hong Kong: A History of Reform*, in *Legal Education in Asia* (Shuvro Prosun Sarker ed., Eleven Pub. 2014).
3. Chief Justice Andrew Li, Address at the Opening of the Legal Year, Jan. 11, 1999.
4. Of the 15 members of the Steering Committee, two—Pamela Chan, Chief Executive of the Consumer Council, and Graham Cheng, Chairman of Taching Petroleum—were lay members. P. Redmond & C. Roper, *Legal Education and Training in Hong Kong: Preliminary Review—Summary of Consultation Paper*, 4-5 (2000), available at [http://www.info.gov.hk/archive/consult/2000/20001130\\_e.pdf](http://www.info.gov.hk/archive/consult/2000/20001130_e.pdf).
5. Legislative Council Secretariat, Panel on Administration of Justice and Legal Services, Background Brief for Meeting on 23 May 2005: Issues Relating to Legal Education and Training in Hong Kong [hereinafter the Issues Relating to Legal Education], LC Paper No. CB(2)1605/04-05(01), May 19, 2005, para. 2, available at <http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/aj0523cb2-1605-1e.pdf>. After the consultancy stage, the proposed review panel was suspended.
6. When he was appointed as a consultant, Christopher Roper was director of the Centre for Legal Education. However, during the course of the review, he resigned from that position and became director of The College of Law Alliance, an alliance between The College of

assessing Hong Kong's legal education system and the degree to which it met the needs of the legal profession before publishing their wide-ranging findings in what became colloquially known as the Redmond-Roper Report in August 2001.

Among those was a shortage of law graduates with the legal skills, sensitivity and ethical understanding necessary to address the diverse legal needs of the local community. By way of solution, the Redmond-Roper Report contained some 160 recommendations for reform of legal education in Hong Kong, many of which were implemented by the three local law schools. For the purpose of this article, we have focused on the major concerns.

### *Major Concerns with Legal Education in Hong Kong*

First, because legal education was "dominated by a black-letter approach to law," graduates were perceived "to lack an expanded view of the world."<sup>7</sup> There was a need to move away from a strict doctrinal approach and incorporate into the law curriculum humanities and social science education. The report justified the exposure of law students to disciplines outside the law on the ground that "law should not be seen as a narrow, self-referential discipline, but as one intimately connected with other bodies of knowledge and modes of social control and organization."<sup>8</sup>

Second, legal education in Hong Kong occurred in a passive learning environment, providing few opportunities for student participation. Integral to the package of reforms was a fundamental change in the modes of teaching, learning and assessment. Redmond-Roper recommended interactive teaching methods. The teacher's role would be that of facilitator, stimulator and modeller of analytical, critical, creative thinking rather than just an information provider. The consultants recommended that assessment be treated as an integral part of the learning process rather than just term-end examinations. Student class participation should be assessed and completion of a substantial writing exercise should be a requirement.

Third, Redmond-Roper acknowledged that legal education should be capable of adapting to the needs of Hong Kong society and promoting professional responsibility.<sup>9</sup> Legal education in Hong Kong should be

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Law of England & Wales, and The College of Law, Sydney, Australia. R. Redmond & C. Roper, *Legal Education and Training in Hong Kong: Preliminary Review* [hereinafter Redmond-Roper Report] ii (2001), available at [http://www.hklawsoc.org.hk/pub\\_c/news/societyupdates/20010813a.asp](http://www.hklawsoc.org.hk/pub_c/news/societyupdates/20010813a.asp).

7. Mike McConville, What Is The Role Of The Dean Internally?, Int'l Assn. of Law Schools 1 (2009), available at <http://www.ialsnet.org/meetings/role/papers/McConvilleMike%28HongKongChina%29.pdf>.

8. Redmond-Roper Report, *supra* note 6, at 122.

9. See Redmond-Roper Report, *supra* note 6, at 68. For a commentary on the role of legal education in meeting the needs of a particular jurisdiction, see Robert MacCrate, Yesterday, Today, Tomorrow, Building the Continuum of Legal Education and Professional Development, 10 Clinical L. Rev. 805 (2004); Bryant G. Garth & Joanne Martin, Law

designed so that graduates are able to appreciate and adapt to emerging or other unmet needs.<sup>10</sup> For instance, Hong Kong is an international center for finance and commerce. It needs highly skilled law graduates to support a market economy in private law areas such as company law, property law, intellectual property law and technology.<sup>11</sup> Hong Kong lawyers should also possess the professional expertise and skills to ensure Hong Kong retains its status as an intermediary in business, trade and investment between mainland China and the world beyond.<sup>12</sup> Clearly though, Hong Kong is more than just an economy; it is a modern, complex society with residents who have a vast range of legal needs.<sup>13</sup> As a consequence, it was incumbent upon law schools to equip graduates with the knowledge and skills to help identify and address unmet legal needs. Indeed, it remains the case to this day that the majority of the Hong Kong population does not have ready access to a lawyer. While state-funded legal aid is available, it is limited in scope and even those with modest assets or income may be denied legal assistance because of the low threshold means testing. As noted by City University of Hong Kong, in its submission to the Redmond-Roper inquiry,

These are issues which have been seriously addressed by the profession and the academy in other jurisdictions, where there is a greater recognition of the integral relationship between the legitimacy of "rule of law," access to justice and legal education. The absence of such similar attention in Hong Kong is itself indicative of a 'blind spot' shared by academics, government and the profession alike. This blind spot can itself be explained in terms of the over-arching conception that law in Hong Kong exists mainly in order to facilitate economic development. This in turn stems from the conception of Hong Kong primarily as an 'economy' rather than a 'society'. The work of lawyers is seen as meeting the needs of the market and securing investor confidence by upholding the Rule of Law. The day-to-day needs of ordinary people have typically figured somewhat lower down the list of both the profession's and the academy's priorities.<sup>14</sup>

In addition, it was deemed necessary to proclaim that legal graduates must be capable of meeting the challenges of Hong Kong's unusual political sovereignty. Following the 1997 handover to the People's Republic of China (PRC), Hong Kong was guaranteed to exercise autonomy within the unique constitutional framework of "one country, two systems."<sup>15</sup> Socialist policies

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Schools and the Construction of Competence, 43 J. Legal Educ. 469, 498 (1993).

10. Redmond-Roper Report, *supra* note 6, at 72.

11. *Id.* at 55-56.

12. *Id.* at 155.

13. *Id.* at 78.

14. City University of Hong Kong, LC Paper No. CB(2)1321/00-01(01), Legislative Council 3, (2001), available at <http://www.legco.gov.hk/yr00-01/english/panels/ajls/papers/1321e01.pdf>.

15. For an overview, see Yash P. Ghai, *Hong Kong's New Constitutional Order: The Resumption of Chinese Sovereignty and the Basic Law* (2d ed., Hong Kong Univ. Press 1999); *See generally*

from the mainland would not be practiced in Hong Kong. Instead, the territory retained autonomy of its legal and political systems under the Basic Law.

*The Role of Clinical Legal Education in Hong Kong*

In meeting these concerns, the Redmond-Roper Report made some 160 recommendations that have in large measure led to reform of the LL.B. and PCLL programs. Of particular relevance is the key role envisaged for clinical legal education. The report recommended the inclusion of clinical experience at all phases of legal training. Prior to the consultant's appraisal of the system in Hong Kong, clinical legal education did not exist.<sup>16</sup> In the face of this, the report envisaged a clinical model that integrated three features:

- Actual client representation by the student in a supervised capacity.<sup>17</sup>
- Individual students to assume "primary" professional responsibility, not simply for the process but also the outcome of that representation.<sup>18</sup>
- The student and clinical teacher would develop an "individualistic" relationship, with the student's clinical experiences as its center.<sup>19</sup>

Redmond-Roper recognized that clinical programs can take several forms, and principally drew a distinction between externships and law clinics associated with or operated by law schools.<sup>20</sup> It noted that while there may be fears that the clients' interests assume a secondary importance to a student's learning, "the experience of well-run clinical programmes has been that clients benefit from the peculiar combination of students' enthusiasm, thorough research and the protection of close supervision by an experienced practitioner."<sup>21</sup>

The report also examined the benefit of clinical legal education in contributing to students' understanding of legal doctrine. It was noted that combining clinical experience with academic courses would assist students in perceiving the value of various areas of law so that their study would not become book learning remote from daily work. The combination of such experience

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Michael Ramsden & Oliver Jones, *Hong Kong Basic Law: Annotations & Commentary* (Sweet & Maxwell 2010).

16. Writing some five years after the publication of the Redmond-Roper Report, Professor Stacy Caplow, who was drafted by Hong Kong University to develop the concept of clinical legal education in Hong Kong, commented that no clinical programs were in existence. See Stacy Caplow, *Clinical Legal Education in Hong Kong: A Time to Move Forward*, 36 *Hong Kong L.J.* 229, 229 (2006).

17. Redmond-Roper Report, *supra* note 6, at 165 (quoting Betty M. Ho, Commercial Law Component of the LLB Programme Offered by the Department of Law of the University of Hong Kong 32 (2000) (citing David R. Barnhizer, *The Clinical Method of Legal Instruction: Its Theory and Implementation*, 30 *J. Legal Educ.* 67 (1979))).

18. *Id.*

19. *Id.*

20. *Id.*

21. *Id.*

with later years' courses may also assist students in choosing electives and areas of specialization.<sup>22</sup> Furthermore, clinical legal education was seen as instrumental to ensuring that law students appreciated professional ethics and social responsibility. Redmond-Roper regarded clinical legal education as an important way of giving students contact with, and commitment to, a "public interest subculture." It was "suggested that students' first workplace experience largely determines the values they express in practice."<sup>23</sup> Students with clinical experience having had "close contact with disadvantaged clients will enter practice with attitudes, energies, and techniques different from those whose first work experience is a private law firm."<sup>24</sup> Clinical legal education could therefore have a significant long-term impact on a lawyer's professional values.

Given these attractive benefits, Redmond-Roper therefore recommended that Hong Kong's law schools give consideration to the introduction of a law school-operated clinic. If this was not feasible, the schools should consider creating externship programs. This would enable "law students to work in a substantial placement under supervision with legal agencies . . . engaged in direct service provision or policy development in areas that replicate the experience of legal clinics. Ideally, seminars or other instruction might develop students' capacity to reflect upon their experience and to support the development of lawyering skills."<sup>25</sup> The externship might be for academic credit as an elective subject and students' performance assessed including through a substantial written project that addresses an issue for the agency or reflects upon work performed in the light of research and other material, including statute and case law."<sup>26</sup>

### **III. Identifying and Addressing an Unmet Legal Need in Hong Kong**

The law faculty at the Chinese University of Hong Kong began to implement Redmond-Roper's suggestions on clinical legal education shortly after its inauguration in 2005. Rather than creating a fully-fledged in-house law clinic, the faculty, at this early stage, decided that the most feasible model would be to forge partnerships with legal agencies so that Chinese University students could participate in externships. This section will examine the creation of the Refugee Assistance Clinic, an externship program at the Chinese University, and explore how this externship program helps address the principal concerns raised in Redmond-Roper as discussed above.

22. See Redmond-Roper Report, *supra* note 6, at 166 n.281.

23. Redmond-Roper Report, *supra* note 6, at 306 (citing Christine Parker, What Do They Learn When They Learn Legal Ethics?, 12 Legal Educ. Rev. 175, 193 (2001)).

24. *Id.*

25. Redmond-Roper Report, *supra* note 6, at 307.

26. *Id.*



*Identifying an Unmet Legal Need*

In choosing community partners for the Chinese University's fledgling externship program, our starting point was that the students ought to be encouraged to assist those most in need. This approach was not only consistent with Redmond-Roper's observation that law students should learn values of professional responsibility, but was instrumental in advancing a founding mission of the university's fledgling law faculty: to instill in its graduates the values of civil society and a commitment to protect its most vulnerable members.<sup>27</sup>

We identified asylum seekers as an important community in acute need of legal protection. In recent years, Hong Kong's policy toward refugees has attracted criticism for failing to provide a clear path toward integration or post-screening management.<sup>28</sup> Currently, up to 3,000 asylum seekers arrive in Hong Kong every year claiming they would be subject to persecution or torture if repatriated to their country of origin. Yet the Hong Kong government has adopted a relatively hostile stance toward these refugees.<sup>29</sup> While the government has a screening mechanism to meet its obligations under the Convention Against Torture (CAT), it has refused to investigate asylum claims made under other conventions.<sup>30</sup> Despite this general policy, the government permits asylum seekers to enter Hong Kong so that they can make a claim under the Refugee Convention to the United Nations High Commissioner for Refugees (UNHCR). Since refugees inevitably make claims under both conventions the result is often confusion and delay. Moreover, while claimants under the CAT are provided with legal assistance, claimants under the Refugee Convention go unaided. As a result, we thought it fit for students to assist this disadvantaged population.

27. Mike McConville, Message from the Founding Dean, The Chinese University of Hong Kong Faculty of Law, *available at* <http://www.law.cuhk.edu.hk/faculty/message-dean.php> ("We are confident that, together, staff and students will make a significant contribution not only to Hong Kong's legal system, its institutions, and its wider community but also to the maintenance of the rule of law and the defence and protection of the rights of individuals.").
28. See Mark Daly, Note on the Situation of Asylum Seekers, Refugees, and Convention Against Torture (CAT) Claimants in the Hong Kong SAR, prepared for Joint Meeting of the Legislative Council Panels on Welfare Services and Security, Legislative Council of Hong Kong, July 18, 2006, *available at* <http://www.legco.gov.hk/yr08-09/english/panels/se/papers/se0203cb2-737-12-e.pdf>.
29. See, e.g., Michael Ramsden & Luke Marsh, The "Right to Work" of Refugees in Hong Kong: *MA v Director of Immigration*, 25 Int'l J. Refugee L. 574 (2013).
30. Although note the final decision from the Hong Kong Court of Final Appeal, *C & Ors v. Director of Immigration*, FACV 18-20/2011 (2013). This ruling paves the way for an integrated refugee law in Hong Kong and for the Hong Kong government to assume responsibility for refugee status determination. For further information, see the government response at <http://www.legco.gov.hk/yr12-13/english/panels/se/papers/se0702cb2-1465-1-e.pdf>.

*Working with Partners in the Community*

We forged partnerships with two of the key rights defenders in Hong Kong. Our first clinic partner was the Hong Kong Refugee Advice Centre, a community organization launched in 2007 to provide legal support to asylum seekers. As a non-profit organization, its pro bono services include advising on refugee-status applications submitted to the UNHCR. The Centre also offers full representation in addition to advisory services to people filing asylum applications to the UNHCR. Typically, asylum seekers will arrive in Hong Kong with no contacts, limited or no access to resources and poor understanding of the complicated protection systems currently in flux. As such, free legal support is a crucial support mechanism for these people. Often they will be referred to the Centre by other charitable organizations in Hong Kong who offer varying forms of welfare support to marginalized groups including refugees. An initial but important step in which students can become involved is the screening of a prospective client's case in order to decide whether the Centre is able to provide legal assistance. The demand for such services has been self-evident and the results encouraging. Today, the Centre boasts a 46 percent success rate for applicants who receive its legal advice.<sup>31</sup> Set alongside the 10 percent success rate for all refugee applicants to the UNHCR, the Centre is clearly making headway in addressing the legal needs of refugees.

Our second clinic partner, Barnes & Daly Solicitors, was established in 1999. The law firm is prominent in the area of refugee law, and they have acted for claimants in the majority of landmark decisions affecting Hong Kong CAT claimants. Barnes & Daly advise hundreds of asylum seekers and take cases challenging government policies with respect to asylum seekers in the areas of detention, support and social assistance, and prosecution policy, as well as making individual submissions to the UNHCR. With the support of both these pioneers in community legal services, we have developed a clinic model that gives students ready access to clients most in need.

**IV. How the Clinic Has Addressed the Redmond-Roper Concerns**

As noted in Section II above, the Redmond-Roper Report identified a number of pedagogical shortcomings. This section will analyze how the Refugee Assistance Clinic meets these concerns.

*Integrating Theory with Practice*

In addressing the central concern, that legal education should not be dominated by a black-letter approach disconnected from the society in which it operates, we were especially keen to ensure that students received a hands-on experience and an opportunity to understand how law applies in the

31. Phyliss Tang, Legal Aid Increases Success Rate, South China Morning Post, Dec. 28, 2008 (updated Apr. 4, 2012). For further information on the volume of clients, see Hong Kong Refugee Advice Center, What did we achieve in 2011?, available at <http://www.hkrac.org/what-we-do/what-did-we-achieve-in-2011>.



community. Yet we were also conscious that our students needed an academic foundation in refugee law. Currently no elective on refugee law is available for students at the Chinese University of Hong Kong. The students may have had some familiarity with refugee law from their reading on degree courses such as administrative law or human rights law. However, this generalist knowledge itself was not sufficient to equip students for all the demands they would face assisting refugees with their particular concerns. We therefore designed the Refugee Assistance Clinic to contain a substantial classroom component alongside the casework. The merging of academic discipline and professional development was achieved in three ways.

First, students would attend a training weekend at the start of the course to bring them up to speed quickly, focusing on theory, client skills, a comprehensive overview of international refugee law and practice (with an emphasis on UNHCR claims) and recent developments in immigration control in Hong Kong. Where relevant, training in CAT law and procedure is also undertaken by the clinic participants.

Second, the students also attend seminars throughout the semester covering both theory and practice. These seminars provide more in-depth coverage and skills practice on topics initially covered during the training weekend. We found that the seminars have been a beneficial avenue through which the students can receive guidance from practitioners in the field. In particular, while practitioners in our partner organizations are invariably busy managing a large volume of cases, setting aside time in advance for the supervising lawyers ensured that the students were able to raise questions and concerns in a structured environment. Moreover, the seminar component has fostered an environment where students can share their experiences with each other and their supervisors and appreciate the practical application of law in the community.

Third, after successful completion of the training weekend, clinic students have the opportunity to participate in all phases of refugee legal assistance. Students work in teams of two supervised by a practicing lawyer. They meet at the clinic partner's office on a weekly basis. Written assignments may include tasks such as drafting interview questions, case summaries, case assessments, or researching memos. Each team spends around 150–200 hours on clinical work during the semester, and an average of 10–20 hours per week, including 2–3 hours per week in the office of the clinic partner. The teams' clinical responsibilities include casework, team meetings, and potentially a research or advocacy project related to refugee protection.

Having run successfully for over four years, we hold the view that our clinic model is particularly successful in responding to the Redmond-Roper concern that legal education in Hong Kong focused too heavily on passive learning. By immersing themselves in the clinical model, students have the opportunity to recognize challenges, creatively identify options, execute their own judgment, and understand the academic and practical impacts of their decisions. Furthermore, in working under the direct supervision of lawyers,

students get hands-on support, learn lawyering skills and values in real-life cases where outcomes matter. Ultimately they carry with them lessons that they can apply in the future.

*Contribution Towards a Broader Liberal Education*

The Redmond-Roper Report also challenged the perceived intellectual narrowness of Hong Kong students. We addressed this concern by requiring participating students to undertake considerable research on their clients' countries of origin. That research plays a key role as 'objective evidence' in helping to determine refugee claims. Students produce information about political, legal, cultural, economic, social and human rights conditions, forcing them to consult numerous sources including governmental and intergovernmental reports (e.g. U.S. State Department reports), NGO reports (e.g. Amnesty International and Human Rights Watch), newspaper articles (including local newspapers in the country of origin) and academic papers. In trawling these various sources, students are required to keep in mind their ultimate objectives: to establish whether there is a well-founded fear of persecution; establish the claimant's credibility; substantiate or dispute the claimant's testimony; establish likelihood of persecution or other risks to the claimant if returned; and establish the plausibility of an internal flight alternative.<sup>32</sup> By documenting these conditions, students are inevitably exposed to the geo-political, socio-economic and other facts about an often-unfamiliar country. Moreover, the students' interaction with their client provides not only cultural diversity but requires them to show respect and dignity towards a human being whose life has been threatened, who has fled his or her country and who is faced with the daunting task of starting over. The clinic therefore offers the type of environment that will provide students with greater insight during their academic life into social problems—experience they may lack.

Students also have the opportunity to improve their English proficiency, another Redmond-Roper concern.<sup>33</sup> The vast majority of Hong Kong students are Cantonese speakers and naturally use their mother tongue in class with one another. If Hong Kong wishes to remain an international commercial and financial center (rather than a Chinese commercial and financial center with international characteristics), all lawyers must attain English language proficiency. Somewhat fortuitously, the multicultural backgrounds of asylum seeker clients compel students to fine-tune their English writing and speaking skills. Over 90 percent of refugees in Hong Kong come from

32. See James C. Hathaway, *International Refugee Law: The Michigan Guidelines on the Internal Protection Alternative*, 21 Mich. J. Int'l L. 131 (1999) (The concept of "internal relocation," most commonly referred to as the Internal Flight Alternative, allows a host state to deny asylum when it determines that the asylum-seeker did not exhaust all possibilities of reaching safety in an area within his or her own country before seeking international protection.).

33. See Redmond-Roper Report, *supra* note 6, at 94.

South and Southeast Asia. About 10 percent arrive from Africa.<sup>34</sup> Both groups communicate through English interpreters, requiring students to rely on English alone.

#### *Promotion of Professional and Ethical Responsibility*

No doubt a great part of the clinic's appeal for participating students is that they will have actual interaction with refugees. It is a sad reality of course that the majority of these people have experienced genuine trauma in their home country. That alone may well pose myriad difficulties for students, both professional and ethical. The clients' difficult personal stories expose students to ethical dilemmas and choices which they must address in real-time. With that concern in mind, client care training is provided, forming a vital part of the clinic experience. By way of example, the training covers topics such as protection claimant case studies, model rules of ethics for legal advisors in refugee cases and case studies, interviewing protection claimants (which involves role play learning exercises), boundaries and self-care (exploring the various strategies in dealing with clients with sensitive issues) and working with an interpreter. Moreover, the wide variety of issues and problems the refugees present provides students with the opportunity for deep learning about a practitioner's professional and ethical responsibilities.

### **V. Conclusion**

The major message of the Redmond-Roper recommendations is that legal education should prepare law students for the practice of law. Experience gained representing real clients constitutes signature pedagogy for that preparation. Redmond-Roper envisages a thoughtful, reflective approach to externship design: identifying goals, developing partnerships, creating a classroom pedagogy that informs and merges student experience with conceptual and reflective learning.

Our clinic model has paid testament to this teaching design. It also has had sufficient time to settle in and be tested within the context of Hong Kong. From our anecdotal experience, it can be confidently stated that the clinic has proved itself to be a successful model in achieving such goals, providing students with an active learning experience while engendering a pro bono ethic that has been lacking in Hong Kong. Indeed, by adopting the externship

34. See Hong Kong Refugee Advice Centre, Why do refugees come to Hong Kong?, available at <http://www.hkrac.org/what-we-do/why-do-refugees-come-to-hong-kong/>.

model, the authors have benefited from a significant body of literature.<sup>35</sup> Exploration towards establishing an expanded clinic platform continues.<sup>36</sup>

In the aftermath of the Redmond-Roper Report, it became clear to all that legal education in Hong Kong had become “frozen in time” and resistant to change. It may still be too premature to declare a complete thaw but feedback from our clinic students is heartening:

By my second and third interview, I was much more confident in setting out my questions and in assessing the psychological disposition of my client. The practicality of the exercise provided me with the freedom of trial and error, and allowed me to explore what worked and how I could develop the maturity of interviewing skills. In particular, I became more aware of gaps in my client’s narrative and in identifying inconsistencies.

Many of us enter into legal academia oblivious to the practical aspects of the industry. However, I believe that the synthesis of legal clinic programs will help us overcome social callousness, keep in touch with global affairs and contribute to the social justice system in Hong Kong. It is important to promote continuity of such programs and have alumni present their reflections to future participants.

The Program was, at times, frustrating and challenging, especially with regards to my own values and principles, but ultimately this allowed me to develop a stronger sense of self, and I would definitely like to continue working with the Hong Kong Refugee Advice Centre even after the end of the program.<sup>37</sup>

The key challenge now faced is managing the expansion of the clinical program beyond the Refugee Assistance Clinic. Our goal is to reach further into the community and develop lasting partnerships with other organizations. In particular, the authors seek to address needs beyond those of refugees and look more locally at ‘home-grown’ social problems, including the abysmal plight of ‘caged-home’ occupants in the poorer areas of Hong Kong.<sup>38</sup>

35. See generally Mary Jo Eyster, Designing and Teaching the Large Externship Clinic, 5 Clinical L. Rev. 347 (1999); Daniel J. Givelber et al., Learning Through Work: An Empirical Study of Legal Internship, 45 J. Legal Educ. 1 (1995); Henry Rose, Legal Externships: Can They Be Valuable Clinical Experiences for Law Students?, 12 Nova L. Rev. 95 (1987); Robert F. Seibel & Linda H. Morton, Field Placement Programs: Practice, Problems, and Possibilities, 2 Clinical L. Rev. 413 (1996); Linda F. Smith, Designing an Extern Clinical Program: Or As You Sow, So Shall You Reap, 5 Clinical L. Rev. 527 (1999); Marc Stickgold, Exploring the Invisible Curriculum: Clinical Field Work in American Law Schools, 19 N.M.L. Rev. 287 (1989).

36. In furtherance of its efforts towards an “in-house” model, CUHK will launch a new clinic platform—the Clinic for Public Interest Advocacy (CPIA)—in 2014 oriented along public interest legal issues (i.e. those concerning individual rights, advancing social justice and enhancing interests common to the community).

37. Anonymous student feedback (2009-2011) (on file with authors) (This feedback was voluntarily submitted following completion of the course.).

38. This group involves a highly marginalized section of Hong Kong society with as many as 100,000 residents (although official figures suggest 80,000), who live in cramped, dank

There are many unknowns that remain, including whether the allure of financial reward offered by traditional 'corporate' career structures in Hong Kong can ever be partly displaced to give way to a burgeoning pro bono oriented graduate workforce. Whatever outcome clinical legal education offers Hong Kong, the benefits to students available through participation at university level would appear set in stone. Employers in today's job market increasingly ask graduates about their work, skills and internship opportunities linked to degree study. Clinics, such as the one described here, provide them with the ammunition they need to deal with such pressures.

In the past, only the most career-minded, the best connected or those studying vocational degrees got exposure to the legal world. Now, however, Hong Kong universities understand that to foster the talent, they must identify what employers are looking for and then play an active role in developing it among their students. Although the clinical program at the Chinese University of Hong Kong is still in its infancy, we have begun to re-orient our curriculum to produce lawyers of the highest international caliber.<sup>39</sup> That is what our students deserve; that is what the Hong Kong community deserves; and that is what will provide genuine assistance to help address unmet legal needs.

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dwellings averaging 15 square feet. These are often people who arrived in their youth from mainland China in search of greater prosperity but now find themselves socially immobile in the cage-like structures of approved government housing. For more, see Society for Community Organization, Hong Kong's Housing Shame in Cities, Health and Well-Being, (2011), available at <http://lsecities.net/media/objects/articles/hong-kong>.

39. CUHK was ranked first in the top 10 of the QS World University Rankings: Top 50 under 50 years old in 2012. The QS ranking weighs academic reputation as 40 percent of its overall score. In the latest Times Higher Education: 100 under 50, CUHK came within the top 20 (12th) for 2013. Both sets of rankings provide a glimpse into the future, showcasing not those institutions with centuries of history, but the rising stars which show great potential.